

There are important changes to the Montana Medical Marijuana Program that will affect you. These frequently asked questions (FAQs) will provide answers to questions about the new law and the transition to the new program.

## DEFINITIONS:

1. **Marijuana Infused Products Provider (MIP Provider):** Means a Montana resident who meets the requirements of the law, and who has applied for and received a registry ID card to manufacture and provide marijuana-infused products for a registered cardholder.
2. **Provider:** Means a Montana resident, 18 years or older, who is authorized by the department to assist a registered cardholder (as allowed by law) to obtain medical marijuana.
3. **Registered cardholder:** Means a Montana resident with a debilitating medical condition who has received and maintains a valid registry ID card.
4. **Resident:** A person who meets the requirements of the law and who does not claim residency in another state or country for any purposes. An absentee property owner who pays property tax in Montana is not resident.
5. **2<sup>nd</sup> Degree of Kinship (by blood or marriage):** Means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepsister, stepson, stepdaughter, stepgrandparent or stepgrandchild.
6. **Seedling:** A marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

## PATIENTS:

1. **Is the medical marijuana program still issuing cards?** The department will continue to accept new and renewal applications on the current forms until June 20, 2011, however, new requirements for a chronic pain diagnosis take effect on May 14<sup>th</sup>. This means any application or renewal for a patient with chronic pain, received after May 13<sup>th</sup> will need to meet the new requirements. (See number 5 for more information on the chronic pain diagnosis).
2. **When the new laws take effect, is my card still going to be valid?** Current patient cards will remain valid and will expire on the expiration date printed on the card. Under the new law, cardholders must carry their registry card with them at all times, along with a picture ID. All current caregiver cards will become invalid on July 1, 2011.

3. **Can I renew my card early?** Patients can renew their card up to 30 days before the expiration date printed on the card. This means patients can renew early if the expiration date is on or before July 20, 2011 and the renewal form is received by the department by June 20.
4. **Instead of waiting for my renewal, can I pay \$25 and get a new card?** No. If a patient sends a new application packet but has a current, unexpired, enrollment the application materials will be returned to the patient.
5. **Can I keep my card if I have a chronic pain diagnosis?**
  - a. All current patient cards remain in effect until the expiration date printed on the card
  - b. Patients who are renewing their card or sending in a new application after May 13<sup>th</sup> must include the **new physician statement for a chronic pain diagnosis** with their application form. This form is available on the website at [www.mt.gov/medicalmarijuana](http://www.mt.gov/medicalmarijuana). The new requirements are:
    - i. The patient's doctor must state that the pain is persistent and severe and can be proven by necessary and relevant x-ray, MRI or other diagnostics; OR.
    - ii. A second physician may confirm the chronic pain diagnosis, after performing a physical exam if the patient's first physician did not order diagnostic testing.
6. **I am not a Montana resident; can I still get a card?** No. Individuals must be a Montana resident to apply to be a registered patient or a provider. The new application will require a Montana driver's license or state issued ID card.
7. **When the new law takes effect, can I keep my caregiver?** Effective July 1, 2011 patients will no longer be assigned to the caregiver they have now. Patients will have two options to get their medical marijuana:
  - c. Patients can begin to grow their own medical marijuana.
  - d. Patient's can find a person willing to serve as a registered provider to grow and provide marijuana to them for free.
    - i. If a patient names a provider, the patient can no longer grow their own marijuana.
8. **Where can I get materials and marijuana seeds or cuttings to get started?** The department does not have information about growing marijuana, but recommends using the internet, family and friends as resources to find information.
9. **Can I have the same number of plants as I do now?** No, Effective July 1, 2011, patients will be limited to 12 seedlings (<12"), 4 mature flowering plants, and 1 ounce of usable marijuana. If patients assign a provider, they cannot grow for themselves.

10. **If my spouse and I are both patients, can we both grow marijuana in our home?** Patients cannot grow marijuana or produce marijuana infused products at a location that is shared with, rented to or leased by another cardholder, unless individuals are related by the second degree of kinship. For example:
  - a. A husband and wife, who are both patients, can grow for themselves in a home they share.
  - b. Roommates who are both patients, but are not related, cannot grow for themselves in the home they share.
11. **If I grow my own marijuana, do I need to have a background check? Will my name be on a list given to law enforcement?** No. If patients are growing medical marijuana for their use only, they do not need to have a background check and their name and address will not be on a list given to law enforcement.
12. **My minor child is on the registry, will his/her card still be valid under the new law?** Yes, the card will be valid until the expiration date. The new requirements for minors take effect on July 1, 2011. If you renew your child's card after June 20, 2011, it will be under the new program
13. **Do I need to sign up as a provider in order to be the marijuana infused products (MIP) provider for my child?** Yes. You will need to submit a provider application, an application fee and your fingerprints to the department to become a MIP provider for your minor child. Under the new law, you do not need to pass the fingerprint background check before becoming your child's MIP provider, but you must submit your fingerprints to the department by October 1, 2011. See the provider section for more information.
14. **Does the new law require two physician recommendations for a minor child?** Yes, upon renewal (or for a new application submitted after June 20, 2011) minors must have a recommendation from two physicians in order to be on the registry.
15. **I am under the supervision of the department of corrections (or a youth court). After the new law takes effect what will happen to my card?** The patient's card will expire on the expiration date printed on the current card. Upon renewal, the patient will no longer be eligible to be a registered cardholder.
16. **Can I still have a card if I am convicted of a DUI?** If a cardholder's driver's license is revoked for a DUI, the patient and/or provider's medical marijuana card must be surrendered and will not be reissued until the DUI revocation period has ended.
17. **Can I be tested for marijuana if I am pulled over?** Registered cardholders who drive may be required (through a search warrant) to provide a blood sample, if they are suspected of driving under the influence. Probable cause is still required.

## CAREGIVERS:

1. **When do the new rules for caregivers take effect?** July 1, 2011 caregiver's cards will no longer be valid so they can no longer sell medical marijuana to patients. Individuals will need to register with the department as a *provider* if they wish to provide marijuana to patients.
2. **Do I need to destroy my plants?** If caregivers do not register as a provider under the new rules by June 30, 2011, they must take plants and any other medical marijuana products to local law enforcement by June 30. If the caregiver is also a patient, they may keep 12 seedlings (<12"), 4 mature flowering plants, and 1 ounce of usable marijuana.
3. **How many patients can I serve under the new law?** Providers are limited to serving no more than two other patients if they are also a patient. Providers who are not patients can provide medical marijuana for up to three other people.
4. **Can I be a provider *and* a marijuana infused products provider?** Yes, however registered providers who are also marijuana infused products providers are still limited to serving only three patients, or two if they are also a patient.
5. **How do I sign up to be a provider?** In order to become a provider, individuals must *first* be named by a patient, as their provider, on their application. Individuals who are named by a patient will need to submit their fingerprints to the department along with a new provider application form and a check or money order for the amount of the fee. New fee information and a new provider application will be available on this website by June 20, 2011. NOTE: Until October 1, 2011, individuals can register to be providers without submitting to the fingerprint background check. However, all providers must *submit* fingerprints to the department by October 1. After October 1 providers must *pass* the fingerprint background check *before* becoming a registered provider.
6. **How do prospective providers get a fingerprint background check?** People who want to be providers should visit their local law enforcement agency to be fingerprinted. There may be a fee for having fingerprints taken. The provider's fingerprints must be submitted to the department with the provider application packet.
7. **What are the limitations for being a provider?** Approval as a provider will not be granted if there are any drug convictions (felony or misdemeanor) or any other felony conviction in the applicant's background history. Providers must also attest on the application that they:
  - a. Do not owe any back taxes, interest, penalties or judgments to any government agency;
  - b. Are not in default on a student loan;
  - c. Have not failed to pay child support.

8. **What can I charge for serving as a patient's provider?** Providers cannot accept anything of value, *including money*, from patients for their medical marijuana. The only exception is if the provider is submitting the patient's application paperwork to the department; then the provider can be reimbursed by the patient for the registration or renewal fee.
9. **What about a provider's initial start up costs for lights and materials; or the cost of production such as potting materials, nutrients, or the electrical costs?** Providers *cannot accept anything of value*, including money, from patients for any costs associated with the production of medical marijuana.
10. **Are there special rules or considerations specifically for Marijuana infused product providers?** Yes, Marijuana infused products providers must use dedicated cookware used only for producing marijuana infused products. The cookware cannot be used for general household cooking and is subject to local health department food preparation rules.
11. **Are there limitations in the law on where a provider may grow marijuana or manufacture infused products?** Yes. Providers cannot grow marijuana or produce marijuana infused products at a location that is shared with, rented to, or leased by, another provider or another registered cardholder. This means a provider cannot grow marijuana in a home that is shared by the provider and a patient. However, patients who live together can grow for themselves in a home they share *if* they are related by the second degree of kinship. For example:
  - a. A husband *cannot* grow in a home shared with his wife, if she is also a registered cardholder.
  - b. Both husband and wife could grow for themselves in a home they share if neither is a registered provider and are both registered patients.
12. **What are registered providers's growing limitations?** Providers will be limited to 12 seedlings (<12"), 4 mature flowering plants, and 1 ounce of usable marijuana in possession per approved patient.
13. **Where can I get materials and marijuana seeds or cuttings to get started?** The department does not have information about growing marijuana, but recommends using the internet, family and friends as resources to find information.
14. **Will my name or address be on a list given to the police?** Local law enforcement will be notified of the names and grow locations of providers. The location will be subject to unannounced inspection during normal business hours of 8 am to 5 pm.
15. **Do I need to keep records even if I am not making any profit?** Providers must keep records of all transactions with cardholders. This record is subject to inspection by law enforcement and the Department of Health and Human Services.

16. **Do I have to pay to be a provider?** There will be a fee to register with the department as a provider. This fee must cover the cost of handling the application and the fingerprint background check. Information about new fees will be on the medical marijuana website by June 20, 2011.
17. **Can I advertise to let people know I am willing to be a provider?** Advertising of any kind (including electronic media) is prohibited, effective on the bill's passage.

## PHYSICIANS:

1. **When do the new rules for physicians take effect?** The new requirements for physician's statements take effect on July 1, 2011. However, the department will stop taking new applications with old physician's statements on June 20. If a patient cannot reasonably expect to submit their paperwork to the department by June 20, the patient will need to submit the *new doctor's statement* and will be subject to the *new requirements*. New forms will be available on this website by June 20, 2011.
2. **What about my current patients, who I have written recommendations for?** Current patient cards will expire on the date printed on the current registry ID card.
3. **Have the debilitating conditions, for which I can recommend medical marijuana for my patients changed?** There are several more debilitating conditions for which you can recommend medical marijuana. The full list is:
  - a. Cancer, glaucoma, positive status for human immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status.
  - b. Cachexia or wasting syndrome
  - c. Severe, chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician
  - d. Intractable nausea or vomiting
  - e. Epilepsy or intractable seizure disorder
  - f. Multiple sclerosis
  - g. Chron's Disease
  - h. Painful peripheral neuropathy
  - i. A central nervous system disorder resulting in chronic, painful spasticity or muscle spasms.
  - j. Admittance into hospice care

4. **Are there new requirements for the chronic pain diagnosis?** Yes. There are two options for certifying a chronic pain diagnosis:
  - a. The physician must attest (on the new doctor's statement) that the patient's pain is persistent and severe and can be proven by necessary and relevant x-ray or MRI. OR;
  - b. A *second* physician, after conducting a physical examination of the patient, is required to confirm the chronic pain diagnosis; if the primary care physician has not completed the relevant and necessary diagnostic testing.
5. **Will there be a cost associated with my practice for making patient recommendations?**  
There will only be a cost to you if you are reviewed by the Board of Medical Examiners (BoME). You will be reviewed by the BoME if you certify twenty five or more patients to use medical marijuana in a twelve month period.
6. **Who do I contact at the state for information about the review of my practice?** Contact BoME at [http://bsd.dli.mt.gov/license/bsd\\_boards/med\\_board/board\\_page.asp](http://bsd.dli.mt.gov/license/bsd_boards/med_board/board_page.asp) or 406-841-2393.
7. **When will patient forms change? Where will I find the new department physician forms?**  
New forms for physicians, patients and providers will be on this website by June 20, 2011.

*This is an initial review of the law and is not a legal opinion*